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August 18, 2003

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TO: Examiner Fozia Hamud
Group 1647
703-308-8891

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GROUP 1600

FROM: Justin D. Karjala
Celera Genomics Corp.
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OF PAGES (incl. cover): 3

Re: U.S. Serial No. 09/841,158, filed April 25, 2001
Entitled "ISOLATED HUMAN SECRETED PROTEINS, NUCLEIC ACID
MOLECULES ENCODING HUMAN SECRETED PROTEINS, AND USES
THEREOF"
Atty. Docket No.: CL001229

A Response to Office Action (Sequence Election Requirement) and a Petition for a One-Month Extension of Time in the above-identified application follows.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ellen BEASLEY et al.

Art Unit: 1647

Serial No.: 09/841,158

Examiner: F. Hamud

Filed: April 25, 2001

Atty. Docket: CL001229

For: ISOLATED HUMAN SECRETED PROTEINS,
NUCLEIC ACID MOLECULES ENCODING HUMAN
SECRETED PROTEINS, AND USES THEREOF

RESPONSE TO OFFICE ACTION

Assistant Commissioner for Patents
Washington, D.C. 20231

By facsimile

Sir:

This is in response to the Office Action issued by Examiner Hamud on June 17, 2003 in which a sequence election requirement (restricting apart the nucleotide sequences of SEQ ID NOS:1 and 5) was issued for the above referenced application. A Petition for a One-Month Extension of Time is submitted herewith, thereby extending the due date of the present response to Monday, August 18. Please charge the extension of time fee to deposit account 50-0970.

By way of response, Applicants hereby elect, with traverse, the nucleotide sequence of SEQ ID NO:1 (cDNA) for search and examination.

However, Applicants respectfully request reconsideration of the sequence election requirement set forth by the Examiner in the June 17, 2003 Office Action. In particular, MPEP §2434 specifically states that, "Nucleotide sequences encoding the same protein are not considered to be independent and distinct and will continue to be examined together." The cDNA sequence of SEQ ID NO:1 and the genomic sequence of SEQ ID NO:5 both encode the amino acid sequence of SEQ ID NO:3. Accordingly, Applicants believe that SEQ ID NOS:1 and 5 should not be restricted apart.

Respectfully submitted,

CELERA GENOMICS

Date: August 18, 2003

By: 
Justin D. Karjala, Reg. No. 43,704

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